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FLOOR DEBATE

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LR 17

jurisdiction over some reservations. Six states, Nebraska among them, were required to do this. When this was done, the states had the responsibility to provide law enforcement and to handle civil actions arising on the reservation. The federal government failed to give any money to carry out these responsibilities so, after a period of time, the states did not want this authority. So when the federal government gave this authority to the states, that was considered ceding to the states, c-e-d-i-n-g, or making a cession, c-e-s-s-i-o-n, to the states. When an amendment was made to that public law so that states could get out from under this if they wanted to, the process was known as retrocession or giving back to the federal government the authority that the federal government had given to the states. When retrocession occurs it becomes possible for the tribes to take over the administration of the criminal law and the civil law on the reservation. That is a general statement. There have been Supreme Court decisions, there are federal statutes which regulate this entire area. You were given a sheet by me. The first thing I wish you would do, if you have an interest in seeing what documents I wanted to be in place would be this one labeled "LR 17" and "Retrocession" written across. You will see those letters coming from the United States Department of Interior, the Bureau of Indian Affairs, mentioning the funds that will be made available, the request that has been made for additional funds for Fiscal Year 2002, the promise that quality law enforcement would be made available upon retrocession taking place so that law enforcement can continue. Without our doing this, the reservation would be left without law enforcement. This relates to the Santee Sioux Tribe. Now, when we talk about criminal actions, to put the whole thing in a nutshell that might 'allay concerns that people have, no non-Indian person is subject to the tribal court jurisdiction for any offense, whether the non-Indian person is considered a victim or a perpetrator. So if you look at that handout I gave you, it tells you what will happen in the case of a non-Indian versus a non-Indian. Those matters are handled in the state court. We're talking now about actions arising or occurring on the reservation. If it's a non-Indian against a non-Indian and there is that problem, that is handled by the state courts. If we have a non-Indian who does something to an Indian, that goes to federal court. A